

MICHAEL L. BECKER, ESQ.
Nevada Bar No. 8765
MICHAEL V. CASTILLO, ESQ.
Nevada Bar No. 11531
LAS VEGAS DEFENSE GROUP, LLC
2970 W. Sahara Avenue
Las Vegas, NV 89102
(702) 333-3673- Telephone
(702) 974-0524- Fax
Attorneys for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARION POENARU,

Defendant.

Case No. 2:21-mj-00372-EJY

**Stipulation to Continue the Preliminary
Hearing (Fifth Request)**

It is hereby stipulated and agreed, by and between Christopher Chiou, Acting United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Michael V. Castillo, Esq., counsel for Defendant Marian Poenaru, that the preliminary hearing in the above-captioned matter, previously scheduled for August 17, 2021, at 4:00 p.m., be vacated and continued two weeks until September 7, 2021 at 4:00 p.m.

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the potential to resolve this matter before defendants are formally charged by a criminal indictment.

2. In that regard, the government has provided defense counsel with additional Rule 16 discovery on August 12, 2021 in order to facilitate pre-indictment resolution. Defense counsel needs additional time to review the discovery and discuss the case with his client prior to a preliminary hearing or indictment.

3. This continuance is not sought for the purposes of delay, but to allow defense counsel an opportunity to examine the merits of this case before a potential resolution can be reached between the parties.

4. Defendant is in custody and agrees to the continuance.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

6. The additional time requested by this stipulation is excludable in computing the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

DATED this 12th day of August, 2021.

CHRISTOPHER CHIOU
Acting United States Attorney

s/ Jim W. Fang
JIM W. FANG
Assistant United States Attorney
Counsel for the United States

s/ Michael V. Castillo
MICHAEL V. CASTILLO
Counsel for Defendant Poenaru

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIAN POENARU,

Defendant.

Case No. 2:21-mj-00372-EJY

FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution, and the government has provided defense counsel with limited Rule 16 discovery for that purpose. Defense counsel needs additional time to review the discovery and discuss the case with his client prior to a preliminary hearing or indictment. The Court finds good cause to continue the hearing to allow the parties to reach a pre-indictment resolution.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow defense counsel an opportunity to examine the merits of this case before a potential resolution can be reached between the parties.

6. The additional time requested by this stipulation is excludable in computing the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

DATED this 13th day of August, 2021.

4